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09/802,447	03/09/2001	Michael L. Rishel	10005084-1	7032

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EXAMINER
LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
2171	4

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

Office Action Summary

Application No.	Applicant(s)
09/802,447	Rishel
Examiner	**Art Unit**
Etienne P LeRoux	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *May 5, 2003*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *Mar 9, 2001* is/are a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by USPAT 6,444,965 issued to Ha et al (hereafter Pat '965)

Regarding claim 1, Pat '965 discloses a computer [Fig 3, 100], a memory [Fig 3, 150] operable to store a single reference to a web page, and a browser [Fig 4 and col 5, lines 1-12] coupled to the memory and operable to execute on the computer, the browser comprising a first button [bookmark button 131, Fig 3] and a second button [replacing button 134, Fig 3] wherein the browser responsive to activation of the first button stores [col 6, lines 50-54] a reference to a currently accessed web page in the memory, and wherein the browser, responsive to activation of the second button, accesses [col 7, lines 1-5] a web page referenced by the reference stored in the memory

Regarding claim 4, Pat '965 discloses the memory is reset to default reference each time the browser is started [col 6, lines 54-60].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 6,444,965 issued to Ha et al (hereafter Pat '965) in view of USPAT 6,049,812 issued to Bertram et al (hereafter Pat '812).

Regarding claim 2, Pat '965 discloses the essential elements of the claimed invention per paragraph 2 above except for the reference is a URL. Pat '812 discloses the reference is a URL [col 1, lines 15-35]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '965 to include the reference is a URL as taught by Pat '812 for the purpose of pointing to or identifying an address location of a specific item or data site accessible in a computer communications network, often called a web [col 1, lines 15-18].

Regarding claim 3, Pat '965 discloses the essential elements of the claimed invention per paragraph 2 above except for a string identifying a web page. Pat '812 discloses a string

identifying a web page [col 13, lines 5-20]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '965 to include a string identifying a web page as taught by Pat '965 for the purpose of pointing to or identifying an address location of a specific item or data site accessible in a computer communications network, often called a web [col 1, lines 15-18].

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 6,444,965 issued to Ha et al (hereafter Pat '965) as applied to claim 4 above, and further in view of USPAT 6,449,765 issued to Ballard (hereafter Pat '765).

Regarding claim 5, Pat '965 discloses the essential elements of the claimed invention per paragraph 2 above except for the default reference being a reference to a home page. Pat '765 discloses the default reference being a reference to a home page [Fig 3]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '965 to include the default reference being a reference to a home page as taught by Pat '765 for the purpose of enabling an end-user to set the URL for the first web page to be accessed and displayed upon logging onto the global computer network, such first web page is referred to as default home page [col 5, line 64 through col 6, line 3].

6. Claims 6, 7 and 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 6,444,965 issued to Ha et al (hereafter Pat '965) in view of USPAT 6,449,765 issued to Ballard (hereafter Pat '765).

Regarding claims 6, 9-13, 15 and 16, Pat '965 discloses providing a memory location [Fig 3, 150] operable to store a reference to electronic content, providing a user interface [Fig 3, 120] operable connected to the memory location, the user interface comprising a first button [bookmark button 131, Fig 3] and a second button [replacing button 134, Fig 3], the user interface operable to display electronic content [col 4, lines 45-50], displaying a first electronic content in the user interface [bookmark button 131, Fig 3], storing [col 6, lines 50-54] the first reference in the memory location in response to activation of the first button, a web browser [Fig 4 and col 5, lines 1-12], a web page [col 1, lines 44-50], initializing the memory location to a default reference upon starting the user interface [col 6, lines 54-60], the Internet [col 1, lines 15-20].

Regarding claims 6 and 13, Pat '965 discloses the essential elements of the claimed invention per supra paragraph except for the first electronic content located at a first reference. Pat '765 discloses the first electronic content located at a first reference [Fig 3]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '765 to include the default reference being a reference to a home page as taught by Pat '965 for the purpose of providing an end user preference accessible through the web browser software to define the URL for the first web page to be accessed and displayed upon logging onto the global

computer network, such first page is referred to as the default home page [col 5, line 65 through col 6, line 3]

Regarding claim 6, Pat '965 discloses the essential elements of the claimed invention except displaying a second electronic content in the user interface, the second electronic content located at a second reference, and displaying the first electronic content reference by the first reference stored in the memory location in response to activation of the second button. It would have been obvious at the time the invention was made to modify Pat '965 to include displaying a second electronic content in the user interface, the second electronic content located at a second reference, and displaying the first electronic content reference by the first reference stored in the memory location in response to activation of the second button since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claims 7 and 14, Pat '965 discloses the essential elements of the claimed invention except for storing a third reference in memory. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '965 to include storing a third reference in memory since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of USPAT 6,444,965 issued to Ha et al (hereafter Pat '965) and USPAT 6,449,765 issued to Ballard (hereafter Pat '765) as applied to claim 6 above, and further in view of USPAT 6,049,812 issued to Bertram et al (hereafter Pat '812).

Regarding claim 8, the modified teaching of Pat '965 discloses the essential elements of the claimed invention per paragraph 2 above except for the reference is a URL. Pat '812 discloses the reference is a URL [col 1, lines 15-35]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Pat '965 to include the reference is a URL as taught by Pat '812 for the purpose of pointing to or identifying an address location of a specific item or data site accessible in a computer communications network, often called a web [col 1, lines 15-18].

Response to Arguments

7. Applicant's arguments filed May 5, 2003, have been fully considered but they are not persuasive.

Applicant states on page 2 "[m]orover, memory 150 is part of microwave oven 200 and merely saves the cooking data. Memory 150 does not store a reference back to the web page from which the cooking data was originally downloaded. The cooking data stored in memory 150 does not provide a path or allow access to the original web page. Therefore, the memory is not operable to store a single reference to a web page in which the browser can access a web page

referenced by the reference stored in the memory upon activation of the second button, as claimed in independent claim 1." Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a reference back to the web page, and does not provide a path or allow access to the original web page) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, examiner maintains that storing a reference to a web page is inherent in the teachings of Ha per column 4, lines 17-20 which is reproduced below:

The bookmark button 131 stores the cooking data received from the Internet in the memory 150 of microwave oven 200, and sequentially displays the data stored in memory 150.

Applicant states on page 3 "[i]n rejecting independent claims 6 and 13 and each of the dependent claims, the Examiner states that the Ha reference 'discloses the essential elements of the claimed invention.' For the same reasons stated in reference to independent claim 1, Applicant again submits that Ha does not disclose the essential elements of the claimed invention. In particular, Ha discloses the use of button 131 and 134 to store cooking data or access previously stored cooking data. In contrast, the method of claim 6 stores a first reference in the memory location in response to activation of the first button, where the first electronic content is located at the first reference. The first electronic content itself is not stored in the memory location in response to activation of the first button, only the first reference to the

electronic content. Further, the Ha reference teaches away from storing a reference to the electronic content (i.e. the cooking data) upon activation of a first button since in Ha the cooking data itself is stored directly to memory. As such, one skilled in the art could not take the teachings of Ha, either alone or in combination with the teachings of Ballard and/or Bertram and arrive at the invention of independent claim 6 or independent claim 13."

Examiner is not persuaded. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the first electronic content itself is not stored in the memory location in response to activation of the first button, only the first reference to the electronic content)[1] are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In summary, examiner maintains the bookmark button 131 as disclosed by Ha is a well-known means of storing and retrieving a reference to a web page so that the information contained on the web page can be conveniently accessed and displayed. It is difficult to

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[1] Examiner points out that Applicant's argument is not consistent with claim 6 which recites "displaying the first **electronic content** reference by the first reference stored in the memory location in response to activation of the second button" and claim 13 which recites "**display the first electronic content** referenced by the first reference stored in the memory location on the user interface in response to activation of the first button

comprehend why instant invention requires a first button to store a reference to a currently accessed web page and a second button to access a web page. The convoluted claim 1 language, regarding the claimed "a web page," "a currently accessed web page," and "accesses a web page" increases the confusion.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (703) 305-3900.

Etienne LeRoux

May 12, 2003

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